

**Notice of Allowability**

Application No.

09/938,577

Examiner

Gelek Topgyal

Applicant(s)

GOTO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 12/18/2006.
2. ☒ The allowed claim(s) is/are 3-5,8, 12,16 and 17 (renumbered as 1-8).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>1/26/2007</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                          |
|  | 9. <input type="checkbox"/> Other _____.  |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Louis Woo (Reg# 31,730) on 12/18/2006.

The application has been amended as follows:

- 1) Cancel claims 11, 13 and 14.
- 2) Regarding claim 3, on page 2, at the end of line 24 after "... of the specified time points are", delete "." and add --;--. At line 25, add -- wherein each of the specified time points has a minute part of one of (1) 00 and (2) 30.--.
- 3) Regarding claim 5, on page 4, at the end of line 6 after "... than others of the specified time points are", delete "." and add --;--. At line 7, add -- wherein each of the specified time points has a minute part of one of (1) 00 and (2) 30.--.
- 4) Regarding claim 8, on page 5, at the end of line 10 after "... than others of the specified time points are", delete "." and add --;--. At line 11, add -- wherein each of the specified time points has a minute part of one of (1) 00 and (2) 30.--.
- 5) Regarding claim 15, on page 6, line 1, delete "11" and add --3--.
- 6) Regarding claim 16, on page 6, line 5, delete "13" and add --5--.
- 7) Regarding claim 17, on page 6, line 9, delete "14" and add --8--.

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2. The following is an examiner's statement of reasons for allowance: Independent claim 1 identifies the uniquely distinct features for "first head retrieval reproduction means for, when each of the program head retrieval commands is performed by the head retrieval command input means, obtaining present time information generated by the time information generating means and performing head retrieval reproduction of the program signal recorded at one of specific time points which are previous to and independent of the present time represented by the obtained present time information, and which are after a beginning of the recording of the program signal on the recording medium and in a duration of the recorded program signal; wherein the specified time points are sequentially selected by the first head retrieval reproduction means in response to the program head retrieval commands in an order such that first selected one of the specified time points is closer to the present time than others of the specified time points area; wherein each of the specified time points has a minute part of one of (1) 00 and (2) 30." Independent claim 5 identifies the uniquely distinct feature for "fourth means for determining specified time points which precede and are independent of the present time represented by the first time information generated by the second means, and which are after a beginning of the recording of the program signal on the recording medium and in a duration of the recorded program signal; and fifth means for finding a segment of the program signal on the recording medium according to each of the specified time points determined by the fourth means and the second time information generated by the third means, the program-signal segment relating to the second time information corresponding to the specified time point, and for reproducing the found

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segment and subsequent segments of the program signal from the recording medium;  
wherein the specified time points are sequentially selected by the fifth means in an  
order such that first selected one of the specified time points is closer to the present  
time than others of the specified time points are; wherein each of the specified time  
points has a minute part of one of (1) 00 and (2) 30.” Independent claim 8 identifies the  
uniquely distinct features for “fourth means for determining specified time points which  
precede and are independent of the present time represented by the first time  
information generated by the second means, and which are after a beginning of the  
recording of the first program signal on the recording medium and in a duration of the  
recorded first program signal; fifth means for sequentially accepting head-retrieval  
commands; sixth means responsive to each of the head-retrieval commands accepted  
by the fifth means for finding a segment of the latest temporally-continuous portion of  
the first program signal on the recording medium according to one of the specified time  
points determined by the fourth means and the second time information generated by  
the third means, the program-signal segment relating to the second time information  
corresponding to the one of the specified time points, and for reproducing the found  
segment and subsequent segments of the first program signal from the recording  
medium during a cache playback mode of operation;” and “wherein the specified time  
points are sequentially selected by the sixth means in an order such that first selected  
one of the specified time points is closer to the present time than others of the specified  
time points are; wherein each of the specified time points has a minute part of one of (1)  
00 and (2) 30.” The closest prior art, Vallone et al. (US 6,847,778), Geer et al. (US

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6,788,882), Aotake (US 6,385,386) and Russo et al. (US 5,701,383) teach conventional video recorders that allows users to jump back to a previously played portion or to the beginning of a program, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

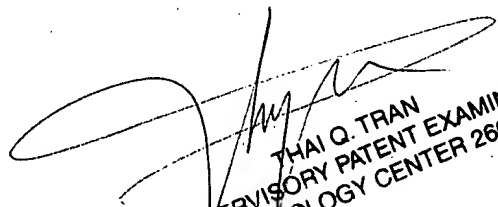
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GT

1/26/2007



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